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OFFICE OF PETITIONS

LAW OFFICES OF CHARLES L THOEMING
BIELE LAMPE & THOEMING PA
TWO CORPORATE CENTRE 1390 WILLOW PASS ROAD
SUITE 1020
CONCORD CA 94520

In re Application of :
Helen M. Scully :
Application No. 10/768,929 : **DECISION ON PETITION**
Filed: January 30, 2004 :
Attorney Docket No. 12263 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed April 2, 2008.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a response to the non-final Office action, mailed September 17, 2007. This Office action set a shortened statutory period for reply of three (3) months. The Office mailed a Notice of Abandonment on March 20, 2008.

A review of the application file reveals the presence of an Amendment, filed on March 17, 2008. The Amendment was made timely with a three month extension of time, which Office records confirm was charged. Accordingly, it is concluded that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn.**

The matter is being forwarded to Group Art Unit 3714 for consideration of the Amendment filed March 17, 2008.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo". The signature is stylized with a large "C" and a long horizontal stroke.

Cliff Congo
Petitions Attorney
Office of Petitions